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NEGOTIATIONS WITH FRANCE.

DOCUMENTS TRANSMITTED TO CONGRESS.

[Concluded from Folio 748.]

That money was paid in the Treasury, and applied towards defraying the public expences of the State. Had it been restored to the legitimate owners, and not thus applied, those expenses would have been exactly the same. The only difference would have been that the large *arriere* left unpaid by Bonaparte, would have been still further increased precisely by the sum thus detained from the American citizens. With what good faith the whole of that *arriere*, without even excepting the expences of the hundred days, has been liquidated and paid by his Majesty's government, is well known. In fact, unless France sets up two measures, one for her own subjects and all other foreigners, and another for the citizens of the United States, it is impossible that she can refuse discharging this just debt.

I beg leave to apply, not only for that payment, but, also, for a speedy decision. The United States had, from the most friendly motives, yielded to the reluctance to take up the subject of American claims, which was evinced in the year 1817. The objection arising from the state of the finances, and from the enormous amount of the demands pressing, at that time, on the resources of France, has now happily ceased to exist. Time amply sufficient has, in the mean while, been taken, for every possible investigation of this claim. The parties have already experienced most grievous losses, from the long detention of so large an amount of property. They should not be tortured by further vexatious delays. Justice, when too tardy, often fails in its object. When it is known, as in this case, that such is the nature of the claim that it will ultimately be paid, intriguing speculators are never wanting, who will try to take advantage of the distance and of the necessities of the claimants, to purchase their rights at a depreciated rate. Such attempts, which, even when not actually taint ed, never can avoid the suspicion of corruption, it has been my duty to repel, and heretofore with success. I have told the parties to listen to no proposals, to reject every indirect interference, that their claim was indisputable, and must necessarily be allowed. We employ, to attain that object, no other but direct means; no weapons but those of argument. I trust that they will not have been used in vain, when the appeal is made to your known loyalty, to His Majesty's high sense of justice, to those principles of good faith, in discharging the obligations of the state, which in every instance but that of the American claims, have uniformly distinguished his government.

I request your Excellency to accept the reiterated assurances of the distinguished consideration with which I have the honour to be, &c. &c.

ALBERT GALLATIN.

His Ex. VISCOUNT DE MONTMORENCY,
Minister of Foreign Affairs, &c. &c. &c.

No. 203.

Extract of a Letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States, to France, to Mr. Adams, Secretary of State, dated, PARIS, 28th January 1822.

"I had yesterday a conference with the Minister of Foreign Affairs, on the subject of the Antwerp claims. In the course of it, I referred him to my letters to one of his predecessors, of the 9th November, 1816, and of the 22nd of April, 1817; to the first, in order that he might have a general view of the nature and extent of our claims; to the other, for the purpose of showing both the cause of the delay which had taken place on that subject, and that we had always considered the reclamations for property sequestered and not condemned, to be of such nature that the claims ought to be liquidated and paid in the ordinary course of business, and did not require any diplomatic transaction. I then stated, that although our commercial difficulties might have justly claimed the more immediate attention of the two Governments, yet there was this difference between the two subjects, that the last was only one of mutual convenience, each party being, after all, at liberty, though at the risk of encountering countervailing measures, to regulate his own commerce as he pleased; whilst the question of indemnity, for injuries sustained, was one of right. In this case we demand justice, and I was sorry to be obliged to say, that notwithstanding my repeated applications, during a period of near six years, I had not been able to obtain redress in one single instance for my fellow-citizens; an observation, which applied not only to cases which had arisen under the former Government of France, but also to wrongs sustained under that of His Majesty: Such result could not escape the notice of my Government, and had accordingly been complained of, in the most pointed manner, in the instructions I had, from time to time, received. There was, indeed, an aggravating and most extraordinary circumstance, with respect to the applications relative to injuries sustained under Bonaparte's Government: Not only had I failed in obtaining redress, but I had not even been honoured with an answer. It could not be concealed, that such a course of proceeding on the part of France, had a tendency to impair the friendly relations between the two countries, and might have an unfavourable effect, even in the discussion of other subjects. I therefore, earnestly requested, that he would immediately attend to the reclamation now before him, and no longer delay the decision which we had a right to expect."

"Viscount Montmorency at once answered, that he had read the papers relative to the Antwerp sequestrations, and that he was struck with the justice of the claim: He regretted, he added, that the settlement of this reclamation should have fallen on the present ministry; that a decision had not taken place in the year 1819; that such an objection as that complained of, had, at that time, been raised by the Minister of Finances. This candid declaration was made,

he said, in full confidence, that I would understand it as an opinion formed on a first impression, and as being only his individual opinion: he had not yet conferred on the subject with the Minister of Finances or his other colleagues, which he promised to do without delay, and to lay the subject before the King as soon as possible. Speaking of our claims generally, he alluded to the hardship that the King's Government should be made responsible for all the misdeeds of Bonaparte: an observation, to which I did not think necessary to answer, as he spoke only of the hardship of the case, and did not assert that the obligation did not exist."

No 208.

Extract of a Letter from Mr. Gallatin to Mr. Adams, dated,

PARIS, April 23, 1822.

"In several conversations I had with Vis. de Montmorency, on the subject of the Antwerp cases, he always evinced a sense of the justice of the claim, and a disposition that indemnity should be made, but I have not yet been able to obtain an official answer; and finding that objections, which were not distinctly stated, were still made by the Department of Finances, I asked Mr. Montmorency's permission to confer on the subject with Mr. de Villele, in order that I might clearly understand what prospect there was of obtaining justice. This was readily assented to, and I had accordingly an interview yesterday with that minister.

"I found that Mr. de Villele had only a general knowledge of the subject, and had not read my note of the 10th January last, to which I referred him, and which he promised to peruse with attention. It appeared, however, to me, that although he was cautious not to commit himself, he was already satisfied, from the inspection of the papers in his Department, and without having seen my argument, that the claim was just, and that the ground assumed by Baron Louis, in his letter to my Mr. Parish, was untenable.

"His objections to a payment of the claim at this time, supposing that on a thorough investigation it proved to be just, were the following:

"1st. There were no funds, at his disposal, from which the payment could be made; and it was absolutely necessary that an application should be made to the Chambers for that purpose: a demand which would be very ill received, as it had been generally supposed that France was relieved from every foreign claim of that description.

"2d. Such was the amount of wrongs committed by Bonaparte, and the acknowledged impossibility that France could repair them all, that all the European powers, although with arms in their hands, and occupying a part of the country, had consented to receive, as a payment in full, a stipulated sum, which fell very short of the amount of their claims. The payment thus made by France, had therefore been in every instance, the result of an agreement, (d'une transaction) founded on equitable principles, and on an abandonment, on the part of the foreign powers, of a considerable part of their claims. It appeared to him impossible, that an application for funds could be made to the Chambers, for the purpose of satisfying American claims, unless it was also the result of a transaction of a similar nature.

"3d. Even in that case, the engagement to pay any sum at this time, for that object, would, for the reasons already stated, and for many others arising from the change of Government, appear extremely hard. The only way to render it palatable was, that it should be accompanied by the grateful information, that our commercial difficulties were arranged in a satisfactory manner. He regretted, therefore, extremely, that the discussion of the two subjects had been separated, one being treated in the United States, and the other here; and he asked, whether it was probable that the result of the negotiation at Washington, would be known at Paris before the next session of the Chambers, which is to take place in June next.

"I must say, that these observations did not appear to be made with an intention of throwing new obstacles in the way of an adjustment of our claims, but for the purpose of stating the difficulties which the Government would have to encounter, in any attempt to effect that object. It was not the less necessary to reply to the suggestion thus made: and I observed, with respect to the delays which had taken place, that they were to be ascribed solely to the French Government. It was in consequence of the determination of the Duke of Richelieu, and I referred to my letter to him of the 22d of April, 1817; it was against my opinion, and notwithstanding my strong remonstrances, that the subject had been postponed, and that provision was not made for our claims at the same time as for those of subjects of the European powers. But, I had taken care to remind the Duke of Richelieu, when the communication for the last object was made to the Legislative Body, that the American claims were not included in the settlement; and he had accordingly expressly stated in that communication, that the sum, to be voted, would discharge France from all demands, on the part of the subjects of the European powers. This was so well understood, that a subsequent grant of seven millions had been voted for the purpose of discharging the Algerine claims. Ours, alone, remained unsettled; and the Chambers must have expected, and could not, therefore, be astonished, that an application for that object should also be made to them.

"As to the propriety of a convention, for the general adjustment of the claims of American citizens, I informed Mr. de Villele, that this was precisely what the United States had asked; and I referred him to my note of the 9th of November, 1816, which, to this day, remained unanswered. The extraordinary silence of the French Government was, at least, a proof of its reluctance to adopt that mode of settlement, and there was an intrinsic difficulty in what he called a transaction. The United States could have no objection to a partial admission and reimbursement of the claims of their citizens; but they would not, in order to obtain that object, sacrifice other reclamations equally just, and give that general release, which France was desirous to obtain, in consideration of that partial-payment. Under these circumstances, it was a natural, and perhaps the most practicable, course, to press a settlement of those claims which,

it might be presumed, she intended ultimately to pay: To repel this, on a plea that a convention, embracing the whole, was a preferable mode, was an untenable position, so long as our overture, having the last object in view, remained unanswered.

"After having expressed my sincere wishes, that an arrangement of our commercial difficulties might soon be effected, and having shewn, from a recapitulation of what had taken place at the time, that the transfer of the negotiations for that object, to Washington, was owing to the French Government, I stated that there was no connection, whatever, between that and the subject of our claims, and that even when discussed at the same place, they had always been treated distinctly. Our reclamations were of much older date, and not to speak of the former Government of this country, they had, since the restoration, been pending near four years, before any discussion of our commercial relations had commenced. I was ready to acknowledge, that it would be, at any time, an unpleasant duty for His Majesty's Ministers to be obliged to ask funds for the purpose of repairing the injuries sustained, during a former period, by the citizens of a foreign nation; and I was sensible that the task would be more easy after the settlement, than during the existence of other difficulties. But justice, and our perseverance, on which we might rely, required that the duty, however unpleasant, should, at some time, be performed: and I was the less disposed to acquiesce in new and vexatious delays, on the ground alluded to, because the result of the negotiations was very uncertain: The delay, in that respect, was solely due to the French Government: they had thrown great obstacles in the way of an arrangement, by blending other subjects with that immediately to be attended to; afterwards, they became sensible, in the latter end of September last, that it was necessary to send new instructions to Mr. de Neuville. I had, in the month of October, made every representation, and given all the explanations, which could be necessary; yet, the instructions to Mr. de Neuville, were not, as I understood, sent till late in January, and had not yet, I believed, been received on the 12th of March. The success of the negotiation depended on the nature of those instructions, with which I was not acquainted. If they produced no favourable result, the consequence would only be, that the commerce between the two countries would be lessened, and flow through indirect channels; probably, to our mutual loss, and to the profit of the British manufacturers and navigation: But, however this might be lamented, it was only a question of policy; each of the two nations had a right to regulate her commerce, as in her opinion best suited her interest. But, with respect to our claims, it was question of right, the consideration of which, ought not, and could not, be abandoned or postponed, even if the commercial relations should continue to be less extensive and less advantageous than they had formerly been, or might again become, in case a satisfactory arrangement, respecting the discriminating duties, was made; whether the result of the negotiation would be known here in June, it was, of course, impossible for me to say.

"Mr. de Villele, having taken a memorandum, and promised to read the notes to which I had alluded, asked me, whether there was any difference between Mr. Parish's claim, (meaning the three vessels consigned to his house,) and that for the four other Antwerp ships? to which I answered, most decidedly, in the negative. He then, having the decree of 22d of July, 1810, before him, inquired, in what consisted the difference between the Antwerp claims, and those for other property sequestered and embraced by the same decree, viz: the St. Sebastian seizures, and the vessels given up by Holland. I answered, none, whatever, in substance, and that the reason why a specific application was made for the Antwerp claims, alone, in my letter of the 10th January last, was, that having already demanded indemnity for all the claims, particularly in my note of 9th November, 1816, the claimants, who relied on the exertions of their Government to obtain redress, had generally thought it unnecessary to make separate applications: Mr. Parish, however, being on the spot, had urged a special decision in his case, and my Government having, for the reasons already stated, acquiesced in that course, the Antwerp claims were, in that manner, first presented to the consideration of that of France. But, I had expressly stated in my note, that this was not, in any way, to be construed as an abandonment of their claims, equally just, although their features might not, in every respect, be precisely the same. Between the Antwerp, and the other claims for property sequestered and not condemned, I knew none but merely nominal differences. The St. Sebastian vessels, and cargoes, had been seized and sold under an untenable and frivolous pretence, that of retaliation, to which a retrospective effect had been given: The Antwerp cargoes had been seized and sold, without any pretence whatever being assigned for it: In neither cases had a condemnation taken place: In both cases we had always claimed restitution, or trial, before the ordinary competent tribunal. The right to ask for such trial was, in both cases, derived from the law of nations, and it was for the Antwerp cargoes, also founded on positive treaty stipulations."

Mr. Gallatin to the Secretary of State, No. 212.

PARIS, May 13, 1822.

SIR: I have the honour to enclose the copy of a letter I wrote, on the 3d instant, to Viscount Montmorency, on the subject of the Antwerp claims. He has promised an answer: but, as he spoke, though in vague terms, of objections, which it would be better to prevent, rather than to answer, I asked him an interview, which is to take place on Saturday next. I have the honour to be, with great respect, sir, your most obedient servant,

ALBERT GALLATIN.

Mr. Gallatin to Viscount Montmorency.

PARIS, May 3, 1822.

SIR: I had the honour, on the 10th of January last, to address to your Excellency, a note, relative to the American cargoes sequestered at Antwerp. But, although the conversations I had since the honour to have with your Excellency, on that subject, had led me to hope that there was a disposition to render a tardy justice to the claimants, the note still remains unanswered.

It is my duty to remind also your Excellency, that all the former notes which I had the honour to address to His Majesty's Ministers, either with respect to

that reclamation, or, generally, on the subject of the American claims, and particularly the note of the 9th November, 1816, have shared the same fate. That, on a subject so important, no official answer should for such length of time have been given to the earnest and repeated applications of a friendly power; that, where favours are not asked, but justice is demanded, there should have been such a tacit perseverance in avoiding even to discuss the question, must be allowed a most uncommon proceeding in the intercourse between independent nations.

To these considerations I beg leave to add, that two American citizens, with powers from the owners of the greater part of the Antwerp cargoes, have been here for a length of time, one of them a year, for the sole purpose of pursuing and liquidating that claim; and that they both unite in requesting that they may be no longer detained, and that, at all events, a decision may be made in that case.

Permit me, therefore, most earnestly to request from your Excellency, that no further delays may take place, and to ask that official answer, which, I have never doubted, would, when made, prove satisfactory to the just expectation of the parties interested.

I request your Excellency to accept the renewed assurance of the distinguished consideration with which, &c.

ALBERT GALLATIN.

Extracts of a letter from Mr. Gallatin to the Secretary of State, No. 216, dated

PARIS, June 13, 1822.

"The conference I had, on the 18th ultimo, with Viscount de Montmorency, on the subject of the American claims, turned principally on the difficulties which this Government would find in effecting an arrangement with the United States. The result of a free conversation on what was practicable, seemed to be, that a definitive agreement was preferable to a partial payment, and that the choice must, in that respect, be between the two following modes: either the payment of a stipulated sum, in full discharge of the demands of the United States for spoliations, and to be distributed by their Government; or, the reference of the whole case to a joint commission, which, in case of disagreement, would refer the disputed points to a Sovereign, chosen by the two Governments."

"Although Mr. de Montmorency appeared to continue to be personally well disposed, he did not conceal that there were objections in the council of ministers; and he stated, a few days after, that they were inclined to postpone the subject, until the result of the negotiation at Washington was ascertained. I concluded, nevertheless, to insist for an answer to my last note, being satisfied that it would not amount to a rejection, which would have committed hereafter this Government, and that there would be some advantage in obtaining, at least, something more than verbal from them. The answer of the first instant, was accordingly received, copy of which is herewith enclosed. We had so many accounts of a near prospect of an arrangement being on the eve of being concluded, between you and Mr. de Neuville, that I waited a few days before I made a reply; but, having now heard of the adjournment of Congress, without any Convention having been made, I this day have made the answer, of which I have the honour to enclose a copy."

[TRANSLATION.]

Viscount Montmorency to Mr. Gallatin.

PARIS, June 1, 1822.

SIR: I have received the letter which you did me the honour to write me on the 3d of May, relative to the American cargoes sequestered in the port of Antwerp, and to the other claims which you have already heretofore laid before the Ministers of the King.

I could have wished, Sir, to have been able to answer you sooner, and, especially, to have been able to welcome your demands; but I was under the necessity of first submitting them to the King, who is engaged in council; his Majesty having nothing more at heart, than to see adjusted, in a proper and satisfactory manner, the affairs of mutual interest for both countries, and thus to multiply between them useful and amicable relations.

The object of your claims, is without doubt, interesting to a great number of individuals; and we have, also, individual claims to make, which are likewise of great interest to the subjects of the King, whom they concern. I would be the first to wish that the Government could be engaged with them; but you are not ignorant, sir, that there is, at this moment, at Washington, a negotiation which embraces general interests of the highest importance to the navigation of France and of America.

The King's council has judged, that it was better to put off the examination of the individual claims until the negotiation upon the general interests was concluded; and, as soon as that shall take place, I shall hasten, Sir, to move in the King's council, the examination of the claims, which form the object of your letter of the 3d of May.

I have the honour to renew to you, Sir, the assurance of my high consideration.

MONTMORENCY.

PARIS, June 13, 1822.

SIR: I had the honour to receive your Excellency's letter of the 1st instant, in answer to mine of the 3d of May, relative to the American reclamation.

It is satisfactory to find, that the unfavourable suggestions heretofore made on that subject are no longer alluded to, and that the only reason assigned for its postponement is foreign to the merits of the claim. I had expected no less from the justice of His Majesty's Government. But this new delay is as vexatious as unexpected; and the grounds on which it is placed appear altogether untenable.

It will appear, by my letter of the 22d April, 1817, to His Excellency the Duke of Richelieu, that the magnitude of the claims made upon France by subjects of European powers, was the reason alleged, at that time, for postponing, to a more favourable moment, the discussion of the American claims in question. The Government of the United States, from the most friendly motives, though with great reluctance, acquiesced so far in that delay, as to have abstained from pressing again the subject, until the European claims had been ad-

ranged in a satisfactory manner. I made, at that time, as will appear by my letter to the Duke of Richelieu, of the 3d April, 1818, an unavailing effort to obtain a simultaneous and definitive arrangement of the American claims, as most consistent both with common justice and sound policy. And now, when the original cause of the postponement has ceased to exist, when the prosperous situation of the finances of France leaves no ground for the primitive objection, a new cause for delay is sought in circumstances of a subsequent date, and which are wholly unconnected with the subject in question. The consideration of the American claims was adjourned on a presumed plea of temporary inability, or inconvenience, early in 1817: and the commercial difficulties, which it is the object of the negotiation pending at Washington to arrange, did not arise till the year 1819. That the question of indemnity ought not to be made to depend upon the fate of that negotiation, is equally evident.

An arrangement, which will restore to the navigation of America and France those advantages now enjoyed, to the exclusion of both, by foreign vessels, and which will have a tendency to extend the commercial and friendly relations between the two countries, is undoubtedly a most desirable object, and of the highest importance. But it is, after all, a question not of right, but of policy. Either of the same two governments may, on that subject, take an erroneous determination; but each of them, should they not, unfortunately, be able to agree on that point, has, ultimately, the right to make its own commercial regulations, exposing itself, without doubt, to countervailing measures, but without giving thereby any just ground of complaint, or disturbing, in other respects, the harmony subsisting between the two nations. In fact, that state of things exists, to a much greater extent, between France and many European powers, particularly with Great Britain. The commerce between America and France, and which may be estimated to amount in value to about eighty millions of francs a year, may still be carried on in foreign vessels, or through indirect channels. Neither country has prohibited the importation of the products of the soil or industry of the other. The only question under discussion, and on which they may happen not to agree, is that of the navigation, that is to say, of the freight of the articles of exchange, which may, in the whole, be worth about three millions a year. But, from the respective prohibitions existing in France and England, it is not merely the navigation, but the commerce itself between the two countries, which is so nearly annihilated as not to exceed twelve or fifteen millions a year. It has, certainly, in this case, never been suggested, that, because each government follows in that respect its own views, to other questions of right or general policy should, on that account, be suspended; that because a treaty of commerce may appear injurious to either of them, the other would, for that reason, be justified in refusing to do justice in other respects. The question of the indemnity claimed by the United States from France, is one not merely of policy, but of right. It will again revert, and with the same force, in case there should be no arrangement of the commercial difficulties. The foundation on which the demand rests cannot be affected by that result. France must still acknowledge, or deny, the justice of the claim. She is bound, in the first case, to grant the indemnity; in the other, to adduce satisfactory reasons for her denial.

I must beg leave to observe, that the object of these reclamations cannot be, and is not considered by the Government of the United States, as only affecting the interest of private individuals, but as an important subject of public concern. It is not for private contracts voluntarily entered into, or other claims of a similar nature; it is for numerous spoliations, committed not only contrary to every principle of common justice, but in violation of the acknowledged law of nations, and of positive treaty-stipulations; it for the most flagrant and continued infraction of their rights, as a neutral and independent nation, that the United States demand, that, at least, a satisfactory indemnity should be made to her citizens for the losses thus suffered. The whole series of their public acts, at home and abroad, when those outrageous proceedings took place, and the peculiar circumstances, (arising from simultaneous aggressions on the part of England,) which alone prevented a resort to war, are facts of such notoriety, as to render it difficult to conceive how the subject can be viewed as of an inferior importance, and as only affecting private interests. If any further proof was required, in that respect, the 10th article of the treaty of the 16th of March, 1810, between France and Holland, might be quoted. Certain American cargoes, which make part of our reclamations, were, by that treaty, put at the disposal of France, "in order," according to the said article, "that the same may be dealt with according to circumstances, and to the political relations between France and the United States."

Not knowing to what reclamations, by subjects of France against the United States, your Excellency alludes, I can only observe, that if there are any, respecting which a stipulation should be deemed necessary, it must, of course, be understood, that every such stipulation will, in every respect, be reciprocal, and embrace, on both sides, all reclamations of a similar nature, and for the same period of time. I request your excellency to accept the assurances, &c.

ALBERT GALLATIN.

His Excellency VISCOUNT DE MONTMORENCY,
Minister of Foreign Affairs, &c. &c. &c.

No. 230.

Extract of a Letter, from Mr. Gallatin, to the Secretary of State, dated

PARIS, September 8, 1822.

"I had, on the 17th ultimo, written to Viscount Montmorency, and again on the 31st to Mr. de Villele, on the subject of our reclamations, only to remind them, that the late convention had removed the sole cause assigned for delay. I received, last night, Mr. de Villele's note of the 3d, of which a copy is enclosed."

Mr. Gallatin to Mr. de Montmorency, dated 17th August, 1822.

I beg leave to call again your Excellency's attention to the American claims, for sequestrations and spoliations. The cause assigned by your Excellency, in your letter of the 1st of June last, for suspending their consideration, being happily removed by the late commercial arrangement, I trust that no further de-

lay will take place, and that, in conformity with the tenor of that letter, your Excellency will be pleased to bring that important subject before the King's Council. I request your Excellency to accept, &c.

[TRANSLATION.]

Extract of a letter from Mr. Gallatin to Mr. de Villele, dated

PARIS, August 21, 1822.

"Permit me to remind your Excellency, that the three last letters which I had the honour of addressing to His Excellency, the Viscount de Montmorency, are still unanswered. The first, under the date of the 17th current, had for its object, the different claims of citizens of the United States. The second, of the 20th, contained my observations on the project of an ordinance necessary that the execution of the Convention, of 24th June, may commence on the first of October next. The last, of the 27th, remonstrated against the conduct pursued by the local authorities, in regard to the American vessel the General Hamilton, thrown upon the coast, near Montreuil, on the sea."

"I eagerly seize this occasion to beg your Excellency, to be pleased to accept the assurance, &c."

[TRANSLATION.]

Mr. de Villele to Mr. Gallatin, dated September 3, 1822.

You did me the honour, on the 31st of August last, to remind me of several American claims, of which you had formerly apprized the Viscount de Montmorency. It is necessary for me to collect some documents respecting this affair, in order to judge of what consequences they may be susceptible.—Be pleased to believe, sir, that I shall attend to them with a good deal of interest and attention. Accept, sir, the assurances, &c.

No. 233.

Extract of a Letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Adams, Secretary of State, dated

PARIS, 24th September, 1822.

"I had yesterday a conference with Mr. Villele, on the subject of our claims. He expressed his wish that a general arrangement might take place, embracing all the subjects of discussion between the two countries; stated those to be, the reclamations of the United States for spoliations on their trade, those of France, on account of Beaumarchais's claim, and of the vessels captured on the coast of Africa, and the question arising under the Louisiana treaty; and asked, whether I was prepared to negotiate upon all those points? I answered that I was ready to discuss them all, but that I must object to uniting the Louisiana question to that of claims for indemnity, as they were essentially distinct; and, as I thought that, after all that had passed, we had a right to expect that no further obstacle should be thrown in the discussion of our claims, by connecting it with subjects foreign to them."

No. 236.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Adams, Secretary of State, dated

PARIS, 13th November, 1822.

"I received, on the 8th instant, a letter from Mr. de Villele, of the 6th, copy of which is enclosed, together with that of my answer of the 12th."

PARIS, 6th November, 1822.

Sir: The Convention, concluded at Washington, on the 24th of June last, has removed the obstacles which have, momentarily, impeded the relations of commerce between France and the United States. Although this Convention is only temporary, it holds out the expectation of a treaty more extensive and more durable. It has left leisure proper for discussing and establishing this treaty, upon bases the most conformable to the interests of the two states. Already the communications are re-opened, on both sides, on the most amicable footing: His Majesty has seen, with satisfaction, this happy effect of the arrangement concluded in his name, and in that of the United States.

If any partial difficulties still remain to be removed, they will be easily arranged between two powers, who sincerely wish to establish their relations upon the most perfect equity.

In this spirit of reciprocal justice, I have received the claims which you have done me the honour to transmit to me, and without prejudging any thing in their regard, I must, first of all, sir, remark to you, that France has also claims pending, or to be produced, to the Government of the United States. It would appear agreeable to the interest of the two parties, and to the reciprocity of justice, and of protection, to which the subjects of the two states have equally a right, that these affairs should be examined and arranged, unanimously, by way of negotiation.

His Majesty's intention would be, that these claims, and the other points in dispute, upon which the Convention, of 24th June, has not been able to pronounce, should be the object of this negotiation, in order to terminate simultaneously, and in a definitive manner, every dispute between the two states, especially in what concerns the duties received in Louisiana, on the French commerce, contrary to the tenor of the 8th article of the treaty of cession.

You will only perceive, sir, in this intention of His Majesty, the most firm desire of leaving, in future, no cause or pretext of misunderstanding, or of complaints between the two states, and on the part of their respective subjects.

If you are authorized, sir, to follow this march, I pray you let me know, and I will hasten to demand of the King the necessary powers to a negotiator, charged with treating with you.

If you are also authorized to sign a consular convention, the same Plenipotentiary would receive powers, *ad hoc*, for also pursuing the negotiation.

Accept, sir, the assurance of the high consideration, &c.

The Minister of Finance, charged, ad-interim,

with the Port Folio of Foreign Affairs.

JH. DE VILLELE

PARIS, 12th November, 1822.

SIR : I had the honour to receive your excellency's letter of 6th instant. I have special powers to negotiate a convention providing for the just claims of citizens of the United States against France; as also, for the like claims of French subjects against the United States, with such person or persons as may have a like authority from His Most Christian Majesty.

As minister of the United States I am authorized to discuss the question respecting the construction of the 8th article of the Louisiana treaty, and to give and receive explanations on that subject. But the negotiation on that point having been transferred to Washington, no special powers in that respect have been transmitted to me. I had understood, in the course of the conference I had the honour to have with your excellency on the 23d of September, and had accordingly written to my Government, that it was not intended to insist that that subject should be blended with that of private claims. It is indeed, obvious, that it would be utterly unjust to make the admission of these to depend on the result of a negotiation on a subject with which they have no connection whatever, and the difficulties respecting which are of a date posterior to that of the claims.

All the representations which his majesty's government has made to that of the United States, whether on private or on public subjects, have uniformly been taken into consideration, and received that attention to which they were so justly entitled. In no instance has the Government of the United States declined to open a discussion on any subject thus offered to their consideration by France, or made it a preliminary condition that the discussion should also embrace some other subject in which they might happen to take a greater interest. The question respecting the 8th article of the Louisiana treaty has in particular, been the subject of a voluminous correspondence, in the course of which the arguments in support of the construction insisted on by each party, respectively, were made known to the other. I have, in the mean while, for six years, made unceasing applications to His Majesty's government for the settlement of claims to a vast amount, affecting the interest of numerous individuals, and arising from flagrant violations of the law of nations, and of the rights of the United States, without having ever been able to obtain to this day satisfaction in a single instance, or even that the subject should be taken into consideration and discussed. After so many vexatious delays, for which different causes have at different times been assigned, it cannot now be intended again to postpone the investigation of that subject, by insisting that it should be treated in connection with one foreign to it, and which has already been discussed. The United States have at least the right to ask that their demands should, also, be examined and discussed, and I trust that since I am authorized to treat, as well concerning the claims of French subjects against the United States, as respecting those of American citizens against France, a distinct negotiation to that effect will be opened without any further delay.

Permit me, at the same time, to renew to your Excellency the assurances that the United States have the most earnest desire that every subject of difference between the two countries should be amicably arranged, and their commercial and political relations placed on the most friendly and solid footing.—They will be ready to open again negotiations on the subject of the 8th article of the Louisiana treaty, and on every other which remains to be adjusted, and will have no objection that the seat of those negotiations should be transferred from Washington to this place.

Although my powers to treat, respecting every subject connected with the commerce of the two countries, may embrace that of a Consular Convention, yet, as this had not been contemplated by my government, I am not at this time prepared to conclude an arrangement for that purpose. I request your Excellency to accept the assurances, &c.

ALBERT GALLATIN.

His Ex. COUNT DE VILLELE,

Charged with the Department of Foreign Affairs, &c. &c.

No. 237.

Mr. Gallatin to the Secretary of State.

PARIS, 19th November, 1822.

SIR : I received last night, and have the honour to enclose a copy of Mr. de Villele's answer (dated 15th instant,) to my letter of the 12th. You will perceive that, without taking any notice of the reasons I had urged, why a distinct negotiation should be immediately opened on the subject of the claims against both Governments, he insists that this shall be treated in connection with the question respecting the construction of the 8th article of the Louisiana treaty. The object is too obvious, to require any comments on my part, and this final decision leaves me no other course than to refer the whole to my Government.

I have the honour to be, with great respect, sir, your most obedient servant,

ALBERT GALLATIN.

[TRANSLATION.]

Mr. de Villele to Mr. Gallatin.

PARIS, 15th November, 1822.

SIR : You did me the honour to announce to me, on the 12th of this month, that you were authorized to negotiate a Convention, relative to the claims of Americans against France, and to those of France against the United States; but, that you had no power to enter upon a negotiation concerning the interpretation of the 8th article of the Louisiana treaty.

The discussions which have arisen upon this last point, between your Government and the King's Minister Plenipotentiary to the United States, having had no result, and this question being thus left undecided, it is both proper and just to resume the examination of it: it touches upon too great interests not to be treated of with renewed attention, or to be abandoned.

If a new arrangement takes place for the claims, which are still in controversy, it ought to comprehend the whole, and the desire of the King's Government is not to leave any difficulty, any indecision remaining in the relations of the two countries.

It is for the same reason, sir, that I demanded, in the letter which I had the

honour to address to you on the 6th of this month, that the negotiation to be opened on the respective claims, should also include a consular convention.

If your powers for discussing these difficult points should not appear to you sufficiently extensive to make it the object of a negotiation, I think, sir, that you will deem it fit to ask of your Government supplementary authority, to come at an arrangement which cannot be of the utility proposed by the two Governments, unless it shall embrace all the questions and the claims which are still in dispute.

I can only refer, sir, on this subject, to the communications which I had the honour to make to you on the 6th of this month, and with which you have, doubtless, acquainted your Government.

Accept, sir, the assurance of my high consideration.

The Minister of Finances, charged, ad-interim,
with the Port Folio of Foreign Affairs. JH. DE VILLELE.

No. 250.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Adams, Secretary of State, dated,

PARIS, 27th February, 1823.

"The more I have reflected on the ground assumed by this government, on the subject of our claims, and on the attempt to connect their discussion with the question arising under the 8th article of the Louisiana treaty, the more I have felt satisfied that it was impossible that the United States should depart from the true construction of that article, and acquiesce in that contended for by France, and that renewed discussion on that subject would be unprofitable, and lead to no result whatever. As a last, but I believed unavailing effort, I have concluded to express that conviction to the French government, and have accordingly addressed, this day, to Mr. Chateaubriand the letter of which I have the honour to enclose a copy."

PARIS, 27th February, 1823.

SIR : I had the honour to receive his Excellency Count de Villele's letter, of the 15th November last, by which, notwithstanding the remonstrances contained in mine of the 12th, his Excellency, being at that time charged with the department of Foreign Affairs, still insisted that the discussion of the claims of individuals of both nations upon the two governments, respectively, should not take place, unless it was connected with a renewed negotiation on the 8th article of the Louisiana treaty.

A conversation I had the honour to have with his Excellency the Duke de Montmorency, after his return from Verona, induced me to hope, although he did not encourage any expectations of a different result, that he would, however, again lay the subject before his Majesty's council of Ministers. This circumstance, the subsequent change in the department of foreign affairs, and the objects of primary importance which have heretofore necessarily engrossed your Excellency's attention, have prevented an earlier official answer to his Excellency Count de Villele's letter.

It has, together with the others on the same subject, as he had naturally anticipated, been of course transmitted to my government. But, on a review of the correspondence of Mr. Adams with Mr. Hyde de Neuville, and with myself, I must express my perfect conviction, that the subject having been maturely examined, and thoroughly discussed, there cannot be the least expectation that the U. States will alter their view of it, or acquiesce in the construction put by his Majesty's minister on the 8th article of the Louisiana treaty.

It is not my intention, at this moment, to renew a discussion which seems to have been already exhausted; but I will beg leave, simply, to state the question to your Excellency.

It was agreed, by the article abovementioned that the ships of France should forever be treated upon the footing of the most favoured nation in the ports of Louisiana.

Vessels of certain foreign nations being now treated in the ports of the United States, including those of Louisiana, on the same footing with American vessels, in consideration of the American vessels being treated in the ports of those nations on the same footing with their own vessels, France has required that French vessels should, by virtue of the said article, be treated in the ports of Louisiana, on the same footing with the vessels of those nations, without allowing, on her part, the consideration, or reciprocal condition, by virtue of which those vessels are thus treated.

The United States contend, that the right to be treated upon the footing of the most favoured nation, when not otherwise defined, and when expressed only in those words, is that, and can only be that, of being entitled to that treatment, gratuitously, if such nation enjoys it gratuitously, and on paying the same equivalent, if it has been granted in consideration of an equivalent. Setting aside every collateral matter and subsidiary argument, they say that the article in question, expressed as it is, can have no other meaning, is susceptible of no other construction, for this plain and incontrovertible reason: that, if the French vessels were allowed to receive, gratuitously, the same treatment which those of certain other nations receive, only in consideration of an equivalent, they would not be treated as the most favoured nation, but more favourably than any other nation. And, since the article must necessarily have the meaning contended for by the United States, and no other, the omission or insertion of words to define it, is wholly immaterial, a definition being necessary only when the expressions used are of doubtful import, and the insertion of words to that effect in some other treaties, belonging to that class of explanatory but superfluous phrases, of which instances are to be found in so many treaties.

It might, indeed, have, perhaps, been sufficient to say, that, in point of fact, there was no most favoured nation in the United States, the right enjoyed by the vessels of certain foreign nations to be treated in the ports of the United States as American vessels, in consideration of American vessels receiving a similar treatment in the ports of those nations, not being a favour, but a mere act of reciprocity.

Let me also observe, that the pretensions of France would, if admitted, leave no alternative to the United States, than either to suffer the whole commerce

between France and Louisiana to be carried exclusively in French vessels, or to renounce the right of making arrangements with other nations deemed essential to our prosperity, and having for object not to lay restrictions on commerce, but to remove them. If the meaning of the 8th article of the Louisiana treaty was such, 'indeed,' as has been contended for on the part of France, the United States, bound to fulfil their engagements, must submit to the consequences, whatever these might be; but this having been proven not to be the case, the observation is made only to show that the United States never can, either for the sake of obtaining indemnities for their citizens, or from their anxious desire to settle by conciliatory arrangements all their differences with France, be brought to acquiesce in the erroneous construction put upon the article in question.

The proposal made by his Excellency, Mr. de Villele, in his letter of the 6th of November, and reiterated in that of the 15th, can, therefore, have no other effect, than to produce unnecessary delays, and would, if persisted in, be tantamount to an indefinite postponement of the examination and settlement of the claims of the citizens of the United States. It will remain for his Majesty's government to decide whether this determination be consistent with justice, whether the reclamations of private individuals should be thus adjourned, because the two governments happen to differ in opinion on a subject altogether foreign to those claims. Having nothing to add to my reiterated and unavailing applications on that subject, my only object at this moment, has been, to show that I cannot expect any instructions from my Government that will alter the state of the question. I request your Excellency to accept the assurance, &c.

ALBERT GALLATIN.

His Excellency, Viscount de CHATEAUBRIAND,
Minister of Foreign Affairs, &c. &c. &c.

Documents.

Message from the President of the United States, transmitting a Report of the Secretary of War, of the Expense which would be incurred by transporting two hundred of the troops now at the Council Bluffs, to the mouth of the Columbia river.

To the House of Representatives of the United States:

The House of representatives, on the 26th ultimo, having "Resolved, that the President be requested to cause to be laid before the House an estimate of the expense which would be incurred by transporting two hundred of the troops now at the Council Bluffs, to the mouth of the Columbia, or Oregon river," I herewith transmit a report of the Secretary of War, which contains the information required.

WASHINGTON, 20th February, 1824.

DEPARTMENT OF WAR, February 17, 1824.

The Secretary of War, to whom was referred the resolution of the House of Representatives, of the 26th of January last, requesting the President of the United States to cause to be laid before this House "an estimate of the expense which would be incurred by transporting two hundred of the troops now at the Council Bluffs, to the mouth of the Columbia, or Oregon river," has the honour to transmit, herewith, a report of the Quartermaster General, which contains the information required.

Respectfully submitted,

J. C. CALHOUN.

The PRESIDENT of the United States.

QUARTERMASTER GENERAL'S OFFICE,

Washington City, February 16, 1824.

SIR: In obedience to your order, dated the 30th ultimo, requiring an estimate of the probable expense of transporting two hundred of the troops, now at the Council Bluffs, on the Missouri river, to the mouth of Columbia, or Oregon river, I have the honour to report, that the expense will consist:

1st. Of an outfit of boats, and the necessary tools and materials to keep them in repair, to transport the detachment from the Council Bluffs to the head of navigation on the Missouri, or Yellow Stone river;

2. The number of horses necessary to transport the detachment, their provisions, and stores, from that place to some navigable point on the Columbia river, and tools to open a road and construct bridges on the route; and

3. The tools and materials necessary to enable them to construct boats to descend the Columbia.

I take it for granted that the ordnance, clothing, provisions, and all the heavy baggage, required for the use of the detachment, after it shall have arrived at its destination, will be transported by sea, and that no other supplies than those actually necessary on the march, will be taken across the Rocky Mountains. If so, the whole outfit, including arms, ammunition, and provisions, for twelve months, would not exceed one hundred and forty tons; to transport which ten boats, which, with all their equipments, would not exceed seven hundred dollars each, would be sufficient.

Fifteen hundred dollars would provide all the tools that would be required in opening a road and constructing bridges between the navigable points of the Missouri and the Columbia. And two hundred horses would be ample sufficient for the transportation over that route. These horses could be obtained from the Pawnees, near the Council Bluffs, or from the Mandans, at about thirty dollars each, in merchandise; and perhaps would not cost the Government more than fifteen or twenty dollars each, in cash; at all events, not more than twenty-five dollars each.

Fifteen hundred dollars would provide all the tools and materials necessary to construct boats to descend the Columbia.

The necessary expense, then, incident to the movement, would be

For 10 boats, at \$700 each 7,000

Intrenching and other tools necessary on the march 1,500

200 horses, at 30 each, in merchandise, say 25 dollars each 5,000

Tools and materials for boats on the Columbia 1,500

Total 15,000

Add an equal sum for unforeseen expenses 15,000

And the whole amount required will be \$30,000

To transport the heavy baggage, ordnance, and a supply of provisions, by sea whaling or sealing vessels, or northwest traders, it is believed, might be chartered at about five or six thousand dollars each; two would be sufficient, say they would cost \$7,000 each; and the amount of sea transportation would be fourteen thousand dollars; making the entire expense of the operation, by land and water forty-four thousand dollars.

Small as this estimate may appear, when we consider the magnitude of the object proposed to be accomplished, I feel confident that, if the operations be conducted by the military, it will be more than sufficient.

I have the honour to be, sir your obedient servant,

TH. S JESUP.

Brig. Gen. and Quartermaster General.

Hon. JOHN C. CALHOUN, Secretary of War, Washington City.

PEA-PATCH.

Message from the President of the United States, transmitting information required by a resolution of the House of Representatives of the 4th instant, in relation to a suit brought for the recovery of the possession of a tract of land, called the Pea Patch, upon which Fort Delaware is situated, and in which the United States are interested; the sums of money which have been paid for defending said suit; to whom paid, &c. &c.

To the House of Representatives:

I transmit, herewith, a report of the Secretary of War, containing the information called for by a resolution of the House of Representatives of the United States, passed on the 4th instant, respecting any suit or suits which have been, or are now depending, in which the United States are interested, for the recovery of the Pea Patch.

JAMES MONROE.

February 24th, 1824.

DEPARTMENT OF WAR, February 14th, 1824.

The Secretary of War has the honor to transmit, herewith, a report of the Chief Engineer, dated the 12th instant, containing the information called for by a resolution of the House of Representatives of the United States, passed on the 4th instant, respecting any suit or suits which have been, or are now depending, in which the United States are interested for the recovery of the Pea Patch.

Which is respectfully submitted,

J. C. CALHOUN.

The PRESIDENT of the United States.

ENGINEER DEPARTMENT, February 12th, 1824.

SIR: In obedience to your orders, in relation to a resolution of the House of Representatives of the United States, passed on the 4th instant, in which the President of the United States is requested to communicate to that House "a statement shewing the situation of any suit or suits which have been, or now are depending, in which the United States are interested for the recovery of the possession of a tract of land, commonly called the Pea Patch, and on which Fort Delaware is situated; specifying the amount of money paid by the United States in each case; to whom paid, and the time respectively; by whom; on what account, and from what fund," I have the honor to report, that an action of ejectment, by Dr. Henry Gale, of New Jersey, against Major Babcock, the Engineer, superintending the erection of Fort Delaware, was commenced in the circuit court of the United States for the district of New Jersey, and continued until the spring term of the year 1822, when it was discontinued. In the autumn of that year, the same action was revived in the supreme court of the state of New Jersey, in the name of John Den, (on the demise of Henry Gale) and the state of New Jersey, against Major Babcock before mentioned. The case was removed from the supreme court of New Jersey to the circuit court of the United States for the district of New Jersey, and there remained until April, 1823, when the judges, believing that it was not within the jurisdiction of that court, remanded it to the supreme court of New Jersey, where it now remains, ready for trial, whenever the counsel for the plaintiff shall think proper to bring it on.

The case being one of great importance, on account of the value of the Pea Patch to the United States, as the only portion adapted to the defence of the Delaware, and the large sum expended upon it, and on account of its involving the question of title between the states of New Jersey and Delaware, it was proper that respectable legal talents should be engaged to defend it. Accordingly, as the question of title would involve the laws of both states, the United States' Attorney of each was employed, and able counsel was associated with them. Mr. Stockton, with Mr. M'Ilvaine, the Attorney for New Jersey, and Mr. Rodney, in the first instance; and, on his leaving the country, Mr. Van Dyke, who was recommended by Mr. Rodney, with Mr. Read, the Attorney for Delaware. Mr. Rodney and Mr. Van Dyke were each paid \$500, the services they were required to perform being out of their state, and a distance from their homes. Mr. Read was paid the same, having performed the same services, which did not belong to his official duty, as they were not performed within his district. Mr. Stockton being in the vicinity of the court, was paid \$100. Mr. M'Ilvaine was paid, as United States' Attorney, the expenses authorized by law; his account, amounting to \$209 62, having been submitted to, and approved by, the Attorney General of the United States. These payments were all made by warrants on the Treasury of the United States, with the exception of that to Mr. Stockton, which was by Major Babcock. They were for professional services, and were drawn from the appropriations for Fort Delaware and contingencies of fortifications. Mr. Rodney received his on the 8th of November, 1820; Mr. Read on the 11th of July, 1821; Mr. Stockton on the 11th of July, 1822; Mr. M'Ilvaine on the 12th of December, 1823; and Mr. Van Dyke on the 5th of January, 1824.

Respectfully submitted,

ALEXANDER MACOMB, Maj. Gen. Chief Eng.

The Hon. JOHN C. CALHOUN, Secretary of War.

Message from the President of the United States, transmitting a Report of the Secretary of the Navy, of the Expenditures under the Acts of 1816 and 1821, for the Gradual Increase of the Navy; the vessels built and building; the timber purchased and contracted for, &c.

MESSAGE.

To the House of Representatives of the United States:

In conformity with the resolution of the House of Representatives, of the 17th instant, I now transmit the report of the Secretary of the Navy, accompanied by statements marked A and B; shewing "the amount of money expended in conformity with the provisions of an act, entitled 'An act for the gradual increase of the Navy of the United States,' approved, April 29th, 1816; and of the 'Act to amend said act,' approved, 3d of March, 1821: also the number of vessels built, or now on the stocks, with their rates; the value of the timber purchased, or for which contracts have been made; and whether sufficient timber has been purchased, or contracted for, to build the vessels contemplated by the provisions of said acts."

JAMES MONROE.

Washington, February 25, 1824.

NAVY DEPARTMENT, February 24, 1824.

Sir: In compliance with the resolution of the House of Representatives, of the 17th instant, requesting the President of the United States "to present a statement of the amount of money expended, in conformity with the provisions of an act, entitled 'An act for the gradual increase of the Navy of the United States,' approved the 29th of April, 1816; and of the 'Act to amend said act,' approved the 3d of March, 1821," I have the honour to communicate a copy of a letter from the Board of Navy Commissioners, respecting the vessels built and building; and the timber purchased and contracted for: also, copy of a letter from the Fourth Auditor, exhibiting the amount of money expended in conformity with the provisions of said acts.

It will be perceived that the timber purchased and contracted for, amounts to a small part only of the whole expenditure, being but \$1,546,452 74, while the whole amounts to \$5,972,460 24. Other materials have been purchased, and contracts made for more, which, not being called for in the resolution, are not embraced in the answer.

With the highest respect, I have the honour to be, sir, your most obedient servant,

SAMUEL L. SOUTHARD.

The President of the United States.

A.

TREASURY DEPARTMENT, Fourth Auditor's Office, 19th Feb. 1824.

Sir: Pursuant to a call of the House of Representatives of the United States, by their resolution of the 17th inst., I have the honour to hand you a statement, exhibiting the annual amount of money expended in conformity with the provisions of an act, entitled "An act for the gradual increase of the Navy of the United States," approved 29th April, 1816, and of the act to amend said act, approved 3d March, 1821, amounting, in the aggregate, to five millions nine hundred and seventy-two thousand four hundred and sixty dollars and twenty-seven cents, (\$5,972,460 27,) and embracing the whole period from the passage of the first recited act, to the 18th February, 1824.

I have the honour to be, sir, very respectfully, your obedient servant,

CONSTANT FREEMAN, Fourth Auditor.

HON. SAM. L. SOUTHARD, Secretary of the Navy.

STATEMENT exhibiting the annual amount of money expended in conformity with the provisions of an act, entitled "An act for the gradual increase of the Navy of the United States, approved, 29th April, 1816, and of the Act to amend said act, approved, 3d March, 1821; prepared in pursuance of a resolution of the House of Representatives of the United States, passed the 17th February, 1823.

From 29th April,	to 30th September, 1816,.....	\$81,783 01
1st October, 1816, to 30th do	1817,.....	508,352 36
1st do 1817, to 30th do	1818,.....	627,324 24
1st do 1818, to 30th do	1819,.....	1,083,410 15
1st do 1819, to 30th do	1820,.....	1,451,650 67
1st do 1820, to 30th do	1821,.....	973,040 04
1st do 1821, to 30th do	1822,.....	700,248 30
1st do 1822, to 30th do	1823,.....	446,959 72
1st do 1823, to 17th February, 1824,.....		99,691 78
		\$5,972,460 27

TREASURY DEPARTMENT, 4th Auditor's Office, 19th Feb. 1824.

CONSTANT FREEMAN, Fourth Auditor.

B.

NAVY COMMISSIONER'S OFFICE, 20th February, 1824.

Sir: In reply to that part of the resolution of the House of Representatives, of the 17th instant, which requires information as to "the number of vessels built, or now on the stocks, with their rates, the value of the timber purchased, or for which contracts have been made, and whether sufficient timber has been purchased, or contracted for, to build the vessels contemplated by the provisions of said act," of 29th April, 1816; the Commissioners of the Navy have the honour to state:

That four ships of the line and one frigate have been built; that five ships of the line and five frigates are now on the stocks; that the frames of two other frigates, and of two steam batteries have been procured; that the frames of another frigate and another steam battery have been nearly procured—the deficiency in both not exceeding, probably, \$10,000.

That "The value of the timber purchased, or for which contracts have been made," after a careful examination of all the various contracts made, since the first organization of the Board, is estimated at \$1,546,452 74.

That sufficient timber has not been purchased, or contracted for, to build all

the vessels contemplated by the act for the gradual increase of the navy—and of the timber procured, a portion, though a very small one, it is hoped, will probably be found defective on working up. The whole deficiency of timber may, possibly, amount to \$120,000 to \$130,000. It will not, we are confident, exceed the latter sum.

I have the honour to be, with great respect, sir, your most obedient servant,

JOHN ROGERS.

HON. SAMUEL L. SOUTHARD, Secretary of the Navy.

MEMORIAL.

To the Honourable the Senate and House of Representatives of the United States of America, in Congress assembled.

February 9—referred to the Committee on the Judiciary.

The petition of the undersigned Aliens, residing in the city and county of New-York,

RESPECTFULLY SHEWETH:

That your petitioners, from experience, observation, and firm conviction of its excellence, are all zealously and firmly attached to the Constitution of the United States, and are desirous of participating in its benefits, and in the burdens, duties, and services, required for its support and defence.

Your petitioners, therefore, pray that their case may be taken into your favourable consideration, and that the present probationary period of five years may be shortened, in such a degree, as your wisdom may deem conformable to the circumstances of the times, and the present policy of the nation.

And inasmuch as many aliens have, notwithstanding a permanent residence in the United States, from want of sufficient information, remoteness from the tribunals empowered to receive their reports and declarations; from the absence of that conviction, which experience and observation have since produced in their minds, and from various other causes and impediments, neglected to take the necessary and preliminary steps, your petitioners pray that they may, notwithstanding, upon proof of good moral character, and of residence for such a length of time, as the contemplated amendment may require be admitted to naturalization.

And as, in many instances, the residence of the aliens is so remote from the courts authorized to receive reports and declarations, as to be productive of inconvenience to those who depend on daily labour, or domestic industry, for support; it is respectfully suggested, whether some provision may not be made for the accommodation of persons so circumstanced, leaving the mole to the disposal and discretion of your superior wisdom.

With the most profound deference for your wisdom, and the most implicit confidence in your justice, we lay this petition before you, confident that it will meet with the candid and impartial investigation, by which your deliberations have been invariably distinguished.

And your petitioners, as in duty bound, will ever pray, &c. &c.

CHAMBER OF COMMERCE OF PHILADELPHIA.

February 26, 1824.—Read, and referred to the Committee of the whole House To the honourable the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the Chamber of Commerce, of the City of Philadelphia,

RESPECTFULLY SHEWETH:

That your memorialists, on behalf of the commercial community which they represent, beg leave to interpose their respectful remonstrance against a bill now pending in the House of Representatives, entitled "a bill to amend the several acts for imposing duties on Imports."

The well known object of that bill—to stimulate the manufactures of the United States—and its necessary tendency, in the judgment of a large portion of this people, to depress the agriculture and commerce of the country, form the inducements of your memorialists for asking the attention of Congress.

In a free country like the United States, all branches of lawful industry have a right to equal protection by the laws; there can be no inequality without favoritism, and no favoritism without injustice. The constitution of the government having placed all the people on the same plane, its principles cease to operate, when the law elevates one portion, or depresses another; and, whether the equality of the citizens be disturbed by distinctions of person, or of property, is a matter of indifference.

That which might be a venial departure from those principles, in a small community, where the whole would sympathise with the prosperity of any considerable part, becomes otherwise in a confederation like this, whose members are large states, removed to a great distance from each other; destined, by nature, to different employments; incapable, under any legislation, of changing them; and subject, under a perverted legislation, to the extremity of distress in one state, while another is smiling in prosperity. In such a country, bounties to particular labour, are bounties to particular states, which other states pay, without partaking of the benefit. The design of the constitution, and the obligation of Congress, being to provide for the common defence, and general welfare of the United States, and the duty of *uniformity*, in the laws of the Union, being emphatically and repeatedly enjoined in that compact, your memorialists have no doubt that Congress will never lose sight of it; and as little that they will perceive the destruction of all practical uniformity, even by a general law if it be made partial, by the situation, the character, and the employment, of large portions of the country.

The universal opinion of well informed men, has now established it as a general rule, that the greatest degree of national wealth is to be obtained, by leaving every one to the unfettered use of his own labour, skill, and capital: for it is in this way that individuals, of whom nations are composed, attain to the greatest prosperity. Obvious, however, as thus general truth now is, it has been long in coming to light; legislation has had its dark ages, as well as letters, and certainly they have continued longer to envelop the principles of na-

tional wealth, than they did to obscure the laws of science, or the beauties of literature. It is to be hoped that the dawn, which has tardily broken upon the world, in the department of trade, is not to be immediately overcast; and, particularly, that the clouds which are again to darken it, are not to proceed from a quarter where every thing else, in regard to government, lies in the broadest light. If legislation acts upon the subject of trade, which, after all, is more safely left to the law of man's nature, by which he is incessantly stimulated to do the best for himself, and therefore for his country, it should act for the removal of impediments and restrictions, not for the creation of them; so much more onerous, however, is this law of man's nature, than any political regulation, that it has been deemed the wisest course to abstain from public enactments altogether, and to leave the Hive to the industry and instinct of its labourers, without attempting to direct which cell shall be first filled, or to narrow the passage to one, or enlarge it to another, more than the wisdom of the labourers shall each for himself provide.

Whatever interference with the general freedom of trade is necessary for the purposes of revenue, and still further, whatever provisions have justly for their object to sustain the Government itself, by enabling it to withstand the shock of war, and with this view to promote, within its own bosom, the necessary resources for such a trial, all communities of men must submit to, and will submit to, cheerfully. Laws enacted for these purposes, are necessary exceptions to the general rule—not exceptions to its truth, for it is true without exception—but exceptions to its application; they are the price which nations pay for their existence as such, they tend to diminish the production of wealth, but they do what, in every condition of the world, has been found as useful as to produce, namely, to secure the product. But, beyond this, the danger of legislative interference with trade, becomes extreme. Be the wisdom, and impartiality, and foresight, of the legislature, what they may, they are at no time, and under no circumstances, perfectly adequate to the task. The subject is beyond the scope of human intelligence, except when it is individually and personally applied to that limited space within which the individual moves; and, in this particular, trade differs little from the thousand other interests of the great family, which it is the ordinance of Heaven should be wrought out by the separate wisdom and exertions of its members, with scarcely a consciousness how the work is produced, and with an utter inability on their parts to contrive the result before hand.

The practice of no foreign nations lead, as your memorialists submit, to a different conclusion. England has grown rich, in spite of her restrictions upon trade, and not by means of them; her wisest statesmen are desirous of removing them, and can trace with unerring certainty to their operation, a large part of the oppression under which the fundamental interest of that nation languishes, and is doomed to languish. But the fetters have entered into her flesh, and they cannot be removed without tearing away the flesh with them. Does the history of England, with the light of the present day, furnish an argument to the United States for embarking in the same career of bounties, prohibitions, and excises? England is the great example of their mischief. She is emphatically the example of all that individual skill, enterprise and intelligence can achieve for the production of wealth, and of all that perverted legislation can do to make it fruitless of national happiness. Her wisdom has perhaps been developed too late for her own good; it may possibly be not too late for us.

It is, therefore, the sentiment of your memorialists, which they beg leave respectfully to press upon Congress, that, beyond the limits of a fair resort to trade for the purposes of revenue, and the cases of public necessity, or high public exigency, to prepare the country for the event of war, restrictive legislation upon trade, whether it be in the shape of prohibitions of one branch, or bounties to another, are eminently dangerous; and, to a community as extensive and diversified as this, severely unequal.

In submitting to Congress their remarks upon the bill in question, your memorialists will not touch upon the controversy—upon which more has been written than has been understood—concerning the comparative value of the application of capital in different ways. The wealth of a nation is the combined result of its application in every way in which private interest is promoted by applying it. They are sincere well-wishers to the manufactures of this country. They will always be happy to see them prosper, under that due prosecution of them, to which individual skill and capital, in the present state of the law, are perfectly competent. If they are not desirous of seeing them suddenly enlarged by the aid of the new tariff, it is, in part, because the benefit to the manufacturers themselves is by no means so necessary a consequence as is supposed; but it is principally, no doubt, because your memorialists are of opinion that such a tariff is not wanted for the purposes of revenue, nor for the existing manufactures of the country, and above all, because its influence will be pernicious to the commerce and to the agriculture of the nation, both of which are entitled to the equal protection of Congress.

It is not wanted for the purposes of revenue. This is almost the only undisputed point among the various topics which are connected with the bill. It is frankly conceded by its friends, that, if passed into a law, it must diminish the revenue derived from imports; and that, from some other quarter, the government must make up the loss. So far, therefore, its opponents go upon conceded ground; and almost the only ground on which legislation, in regard to trade, is safe, is thus given up. Your honourable bodies will then be pledged, by the enactment of this law, to resort to that mode of raising revenue to which this people have been uniformly opposed, and to which they may be more justly opposed hereafter than heretofore. If the extent of the duty prescribed by the tariff be essential to protect the manufacturer, and an excise be laid upon the manufacture, equal to the duty which is lost, it seems to follow, necessarily, that the consumer must hereafter pay both the duty and the excise, one of which will remain in the pocket of the manufacturer, and the other, after an infinity of deduction for collection, reach the public treasury.

The tariff is not wanted for the existing manufactures of the country. Under laws which, from time to time, have been passed for their aid, all of them operating, nevertheless, as restrictions upon commerce, and a tax upon the cultivator and consumer, they have prospered, and now prosper. How little they partake of the evils under which the commerce and agriculture of the country now suf-

fer, need not be remarked. It is at present the most flourishing branch of American industry. If there are exceptions, they are the consequence of the bounty heretofore given by law, which has tempted into the business persons who have not the capital, nor the skill, nor the economy, to pursue the business with profit. Something more than public bounty is necessary to the gainful prosecution of trade of any kind. Habits of close attention to business; skill in the application of all the known processes; genius in the invention of newer ones less costly, or more efficient; vigilance in detecting and providing for the wants and caprices of the consumer; and, above all, frugality in expenditure: these are indispensable to thrift in any trade; and how much they melt away under the sunshine of legislative favor, or, rather, how often this sunshine warms into temporary animation those to whom it cannot give vigor for the constant struggles of trade, let those say who have watched the operation of bounty laws in Europe. If the existing bounty be not sufficient to protect American manufactures, what amount will do it? They are already encouraged by a duty on cotton goods of 25 per cent. with a minimum estimate for the basis of the duty of 25 cents per square yard, which, on cotton goods, similar to those manufactured in this country, amounts from 35 to 70 per cent. on the cost; of 25 per cent. on cotton twist; of 20 per cent. on cutlery and hardware; of 30 per cent. on cut glass; 20 per cent on plain glass; and upwards of 20 per cent. on window glass; of 15 dollars per ton on Russia and Swedish iron, in bars and bolts; of 30 dollars per ton on rolled bars and bolts; and of 50 dollars per ton on hoop, sheet, and rod iron: of 20 per cent. on spades and shovels; of 30 per cent. on paper and paper hangings; of 25 per cent. on woolen goods, and of 30 per cent. on manufactures of leather; besides all the advantage arising from the charges on the foreign articles, from inland carriage, shipping expenses, freight, insurance, and exchange, amounting, in the article of Swedish iron, to about 75 per cent. of its cost at the mines.

The perfectly well known prosperity of some of the manufacturing establishments of this country, is, however, a better argument than any derived from the amount of duty and charges on the foreign fabric; for if, to refer to one case alone, a joint stock company, in the vicinity of Boston, is, and for sometime past has been, able to make a dividend of annual profits, exceeding twice or three times the ordinary interest of money, maintaining and improving its capital at the same time, where is the necessity for further aid? Do others want their skill? Then it is skill that is wanted, and not public bounty. Are others deficient in their vigilance, their economy, their activity? Let these be acquired, and they will abundantly supply the place of a new tariff. Is capital wanting? How does this square with the allegation, that capital is lying dead to an immense amount, because it cannot be employed? What is done so regularly by one manufacturer, may be done, with similar means, by more; and the means are not to be given by the law, but by the manufacturer.

The influence of the tariff will be pernicious to the commerce of the country. This branch of industry has confessedly suffered more than any other by the events of recent years; it has borne its disasters patiently; they have been the inevitable consequences of events, which, although caused by man, man has neither, by action nor legislation, been able to prevent, and scarcely to mitigate. It is just now creeping again into life; and what is to be the effects of the new tariff? The effect is morally certain; so much so, as almost to infer the intention in those who promote the cause; it is to paralyze and denude, by one blow, that portion of the commercial capital of this country, which is employed in the purchase, importation, and distribution, of all that the new tariff shall exclude from the country; the ships which are built and navigated for its carriage—the numerous artizans who are employed in their equipment—the seamen who man them, and the fixed capital invested in wharves, warehouses, and other property, created as facilities to trade. Your honorable bodies will not look for a detail of these effects in a memorial; it has already been given to the public in various forms, and shewp to be of immense magnitude; no cure, no alleviation, is suggested for this; one arm of the nation will either be cut off, or maimed, forever, under the vain expectation of promoting a better circulation in the other.

But, above all, will the influence of the new tariff be prejudicial to the interest of the agricultural states? This interest is one with which your memorialists may be thought to have no intimate concern, since their personal relations are exclusively with commerce; but, the wealth, the harmony, the duration of this great republic, are interesting to all its citizens; and they who wish, as your memorialists do, that it may be perpetual, must wish to see it administered upon principles of impartial justice to all, by which alone its perpetuity can be secured. What will be the effect of a prohibition of foreign merchandise, as extensive as that now to be effected, but an immediate reduction, in value, of the labor and capital of the cultivator, to the whole extent of the increased price that he must give for the American manufacture? The evil, to him, is without compensation; the value of his crops he loses, precisely to the extent in which the manufacturer gains; he has no means of warding off, or breaking the blow. His capital is uncontrollable—it is fixed forever in the one employment of agriculture. He cannot participate in the golden harvest of manufactures, if it is to be a golden harvest. His habits, his situation, his working hands, are all unfit for the loom and the spindle. He has heretofore sold for as much as he could, and bought for as little as he could, and at such markets as he pleased, in the enjoyment of that liberty which was the great end of the constitution. He is hereafter to buy in one market only, at such prices as a market without foreign competition will charge; and he may sell as he can, when foreign nations shall act upon the principle of taking no more from us, than we do from them.

Your memorialists have found themselves unable to assent to the reasoning by which these evils of the non-importation system are obviated. They cannot conceive that it is for the interest of the community to give more for an American fabric, than for one that is made abroad; to pay a higher price for labor here, than they can purchase it for elsewhere. They cannot believe that the effect of the tariff is to raise the price only for a short time, and then to bring it down, forever, below its former range. There is no experience to justify the assertion. The reduction of low priced cotton, since the last tariff, is well explained by other circumstances—the fall of the raw material, the diminution of the price of labor, improvements in machinery, stagnation of trade. And are not the manufacturers asking, by this very bill, for an increase of duty on the cottons, with which, it is said, they can compete with Great Britain in a foreign market? The history of our duty laws, since the adoption of the constitution, shows that the aid of the tariff has been constantly asked by the manufacturers, and never given back. The duty on cotton goods, which, in 1790, was five per cent., in 1798 and 1800 became 12 1/2; in 1804, by the Mediterranean duty, 15; in 1816 and 1818, after the war duties were at an end, 25 per cent., with a minimum valuation of 25 cents the square yard; and now the proposition is to impose a duty of 25 per cent., with a minimum valuation of 35 cents the square yard. Certainly this has not the appearance of a temporary arrangement, to give American manufacturers the opportunity for development. When have the manufacturers, here, or in England, been contented, or able to part with a bounty which the law has once given them?

Your memorialists are also unable to comprehend how the country is to be benefited by enticing into manufactures that capital which it is said now lies unemployed. What difference is it to the country, whether the capital lies unemployed, or its em-

ployment is paid for by an additional charge upon the consumer? If it is unemployed, the capitalist bears the loss: if it is employed in manufactures, which are sold at an enhanced price, the consumer bears the loss. In the one case, the capitalist loses his interest; in the other, the consumer pays it, by paying just so much more than he would have paid if the capital had been unemployed, and he had purchased at a foreign market. The country is, in no respect, a gainer by the employment. It is not intended by your memorialists to say that there is not much unemployed capital in the country. Much of it, however, is of a kind that cannot be converted into manufactures, and that part which can, can only be converted by that slow and healthful absorption which is made from day to day, in a system that is left to the care of nature.

But, if manufactures are to attract to themselves the capital which now lies unemployed, your memorialists would ask what is to be the fate of that capital now employed in commerce, and which the tariff is to displace? It certainly is not within the contemplated effects of the tariff to increase the consumption of manufactures by increasing their price. The quantity will, at all events, be no greater than heretofore; and, if this shall be the case, what the new manufactures take up, the present commerce must give out, with this disadvantage, that much of what it gives out must be lost, because it cannot be converted into any thing else.

So plain are these consequences, in the apprehension of your memorialists, that they cannot but presume they are in the contemplation of those who espouse the new tariff, and that it is intended, by this portentous bill, to change the relations of the United States with the whole world; to compel her to manufacture all she consumes; to depend for nothing upon a foreign country, which it is physically possible for her to make, and to withdraw her sanction from those mutual relations of dependence and exchange, upon which the refinement and the happiness of the world have been heretofore supposed to depend. If this shall be the work of the nation, acting without the control or guidance of the law, it may then be inferred to be the best thing for the nation; but, under the control of the law, your memorialists confidently believe that this effect will never be produced.

They cannot believe that commerce and agriculture are to sink into insignificance, and that manufactures, like Aaron's rod, are to swallow them both up.

If this usurpation of independence is to become the idol of the United States, it is worthy of consideration, how far foreign powers, and particularly Great Britain, may think it expedient to practice upon the same principle. If we take nothing from her, she may take nothing from us. She will certainly take nothing from us if she can obtain the same thing from her own colonies, or from a friend that will, at the same time, become a customer. If the cottons of the United States average half a million of bags, annually, beyond the domestic consumption, bringing to the cultivator upwards of 20 millions of dollars, at low prices; if not more than 50,000 bales are returned upon us in manufactured goods, from all the world; if our tobacco amounts to nearly one hundred thousand hogsheads, beyond domestic consumption, producing to the grower eight or nine millions of dollars; if the returns for these values, now made in foreign fabrics, are not to come hereafter in that shape, the United States must prepare not to see them come at all. They must prepare to see the East Indies, the Brazils, the Black Sea, every quarter of the habitable globe, stimulated by bounty to itself, and by restriction upon us, to take our place in the markets of Europe, and to leave these commodities upon our hands; to leave in our docks, to perish, the two hundred thousand tons of shipping employed in their carriage; to lose the six or seven millions of dollars of freight which they earn; to turn over to beggary the ten thousand seamen employed in their navigation; and the ship-builders, boat-builders, blacksmiths, sailmakers, ropemakers, riggers, caulkers, joiners, and other artisans, employed in their construction. This day of downfall to the United States your memorialists do not anticipate; but it is because they do not anticipate the success of that policy which seems to lie at the foundation of the new tariff.

At the conclusion of these evils, your memorialists do not hesitate to mention the moral effect of the proposed tariff, as not being among the least of its disastrous tendencies to this community. It is unquestionably true, that, so wisely, for the most part, have the legislature of the Union proportioned the duties to the ability of fair trade, that, in no nation upon earth, is there less evasion of the law by smuggling. Yet, a coast and country better adapted for it are not to be found; and effectually to prevent it would require the supervision of a line of frontier amounting to more than three thousand miles. Man is, unhappily, such as circumstances make him; and there is a bounty under which crimes will flourish, as well as manufactures. Far less than the duties of the proposed tariff would, it is apprehended, give a sufficient reward to the smuggler. Spain was, and is, a country of prohibitions, of restrictive duties, and monopolies. According to Bourgoanne, the government lost, by smuggling, seventy per cent. of its imposts; and notwithstanding the immense numbers employed to guard the revenue, a single neighbouring nation carried on a contraband trade with that country, to the enormous value of twenty millions of piastres annually.

In the late war between the United States and Great Britain, short as it was, and with but little time for the preparations which unlawful trade requires, even more than lawful, the introduction of contraband goods, from the Canada frontier, was open, notorious, and daring, notwithstanding it united almost the guilt of treason with that of smuggling. Your honorable bodies cannot but know how dangerous it is to enlist even a prejudice, if it be a general one, in favor of a violation of law; and how vain it is to legislate against the habits, the interests, and particularly the passions, of a large body of people.

Your memorialists cannot conclude without submitting to Congress, that some of the provisions of the bill referred to, seem as if directly aimed at the existence of foreign commerce, by striking at its most important element—that of ship building—as it raises the duty on foreign hemp from thirty dollars per ton, to two cents per pound: and, consequently, the increased price of cordage will fall on the builder of ships, without a collateral advantage to any one. These charges, with the duties on duck, iron, chain cables, and ship chandlery, are estimated to enhance the cost of building a ship of 300 tons, from the sum of six hundred to one thousand dollars. The real effect of many of the provisions of the bill is, moreover, different from the apparent one; many calculations have been made to shew this. Duties on woollen and cotton goods, which are nominally 30 and 25 per cent. extend from those duties to upwards of one hundred per cent.; and the cheaper the article is abroad, the heavier is the duty. The operation of the law must, consequently, fall with most severity on the poorer classes, who will pay a duty of from thirty to one hundred per cent., and more, on their coarse cottons and woollens, while the rich will pay the uniform duty of twenty-five and thirty per cent. on their finest cotton fabrics and broad cloths.

To the principle of the law your memorialists are, however, more opposed, than to its details. It seems to them to be a political theory, under the name of a duty bill; and that a theory, which both argument and experience have exploded—the theory, that government knows better than an individual what is good for him, and can better employ his skill, his labour, and his capital; that it is wiser and more economical to buy dear of our own people, than cheap of foreigners; and that it is competent, in these times, for a nation to grow wealthy and happy, with her gates opening outwards to sell every thing, but to buy nothing.

Your memorialists, therefore, respectfully pray, that Congress will not pass the Tariff Bill into a law. By order of the Chamber,

Attest, ROBERT RALSTON, President.
JNO. VAUGHAN, Secretary.
Philadelphia, Feb. 23, 1824.

MEMORIAL.

To the honourable Senate and House of Representatives of the United States in Congress assembled.

February 24, 1824.— Read, and referred to the Committee of the whole House, to which is committed the bill to amend the several acts for imposing duties on Imports.

The memorial of the merchants, ship-owners, and mechanics, of Portsmouth, in the State of New-Hampshire,

RESPECTFULLY REPRESENTS:

That your memorialists are the inhabitants of a town, whose prosperity, and even existence, depends on commerce, and more particularly on those branches of it which are connected with ship-building and the carrying trade. The bulk of our capital is invested in navigation, and the principal part of our active and efficient population is composed of merchants, ship-owners, mariners, ship-carpenters, blacksmiths, coppersmiths, rope-makers, sail-makers, mast and block-makers, boat-builders, plumbers, caulkers, riggers, ship-painters, and various other artificers and manufacturers; whose sole dependence for the subsistence of themselves and families, is on commerce and navigation. It is, therefore, with much apprehension and alarm, that they have seen laid before congress, a bill recommending many and great alterations in the present tariff, and which, under the mask of regulating commerce, would tend nearly to destroy it, and compel your memorialists to seek new employment in arts which they have yet to learn, and which, in their opinion, are neither more healthy, more honourable, more profitable, (unless protected by bounties) or more beneficial to the community than those in which they are now engaged. It appears to them self-evident, that the enactment of this bill would tend very much to diminish, and ultimately to destroy, the revenue arising from commerce, and that with their reduced ability, they must soon, in common with the agricultural class, of the community, submit to direct taxation for the support of Government. It would not become them, nor the nature of this communication, to recapitulate the arguments which fully demonstrate the fact, that the system proposed by this bill, would be no less injurious to the agricultural, than to the mercantile interest; while they have not heard it even pretended, that any other advantages are to result from this measure, than to prop up and foster, by excessive bounties, certain favoured branches of manufactures, while all those branches connected with commerce, must, by its operation, be broken down.

Your memorialists could proceed to point out many items of the bill which would be wholly nugatory, or could be enforced only by the most oppressive means; they will advert, however, only to one article, in which, as it so immediately concerns themselves, they hope they may be indulged.

The bill proposes a duty of three cents per pound on chain cables, and parts thereof, and no drawback on the exportation. These cables are a recent improvement in the equipment of ships, which experience has proved to be of so great utility and economy, that every ship should be provided with at least one of them. For a ship of 300 to 350 tons, the ordinary size employed in the European and carrying trade, it requires a cable of 90 fathoms in length, which, with the necessary apparatus, is found to weigh 9238 pounds, and, at the proposed rate of duty of three cents per pound, would pay \$277 14 cents impost. This being equal to the full value of the best hempen cable, of the same length and strength, would amount to a total prohibition of this article, and compel the ship owner, either to go without one, or to provide it in a foreign port; for, taking into view the high price of manufacturing labour in the United States, and that the raw material from which this article is manufactured, is also, by the same bill, taxed at one cent per pound duty; the manufacture of chain cables in the United States could not be attempted. If, however, the duty should be exacted on this article obtained abroad for the use of the ship which obtained it, such a regulation could have no other effect, than to prohibit the use of these cables to American ships, which would deprive them of one of the greatest modern improvements in their equipment. A proposition of such a nature, they confidently trust, could not obtain a moment's consideration of Congress. This simple statement serves to illustrate the fact, that excessive duties will always be evaded, and that the revenue will thereby sustain the loss of that moderate duty which would be paid with cheerfulness, while the consequent increased consumption would augment the aggregate amount.

Your memorialists further represent, that the duties reported by the bill on the various articles usually imported for the construction and equipment of such a ship as has before been described, is found by a calculation on the quantity of these articles actually used in the building and equipment of ships of this size, without armament, to amount to \$1,450, or in other words, to about five dollars per ton on every ton of shipping manufactured in the United States, of which, at least one half the cost is mechanical labor, and is equivalent to almost thirty days labor for every ton of such shipping manufactured, to say nothing of the great amount of labor which is constantly required for sailing and keeping the same in repair. Should this great tax be imposed on the machinery of their trade, at the same time that the employment of this machinery would be, to a great extent, reduced, by the other operations of the proposed tariff, and even if some relief be not afforded on the present rate of duty, the scale must soon preponderate in favor of the employment of foreign ships, now almost universally admitted into the ports of the United States on the same terms with our own; and, at the reduced price at which foreign ships could be constructed, would soon supplant our own ships, even in the valuable carrying trade of the productions of our own country, which will, if this bill should become a law, pass into the hands of our powerful commercial rivals. The perseverance with which certain manufacturers urge upon Congress a further increase of bounties in their favour, can be viewed by your memorialists in no other light than a war, not even disguised, of the manufacturing class upon the agricultural and commercial classes, who, as they humbly conceive, are not less entitled to the protection and support of government, than the manufacturers themselves. Your memorialists hold it to be a settled maxim, that no country is so dependent as that which is exclusively, or even extensively, a manufacturing country, and which, consequently, depends on the friendship or caprice of other nations, not only for the purchase of its wares, but very frequently, also, for the supply of its daily bread.